

Notice of Allowability

Application No.

10/053,396

Examiner

Vickey Ronesi

Applicant(s)

DAMS, RUDOLF J.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/23/2006.
2. ☒ The allowed claim(s) is/are 2-8 and 10-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert H. Jordan on 9/1/2006.

The application has been amended as follows:

IN THE SPECIFICATION

Replace the title with the following: METHOD OF RENDERING SUBSTRATES OIL AND WATER REPELLENT WITH A FLUOROCHEMICAL OLIGOMERIC SILANE.

IN THE CLAIMS

In claim 3, line 4, delete "have the meaning as defined in claim 1 or 2" and replace with --each independently represents an alkyl group, an aryl group, or a hydrolyzable group with at least one of Y¹, Y², and Y³ representing a hydrolysable group--.

In claim 5, line 7, delete "have the meaning as defined in claim 1" and replace with --each independently represents an alkyl group, an aryl group, or a hydrolyzable group--.

In claim 6, line 6, delete "have the meaning as defined in claim 1" and replace with --each independently represents an alkyl group, an aryl group, or a hydrolyzable group with at least one of Y¹, Y², and Y³ representing a hydrolysable group--.

Art Unit: 1714

In claim 10, lines 2-3, delete “a thus obtained coated substrate” and replace with --the treated substrate--.

In claim 11, line 2, delete “the coated substrate” and replace with --the treated substrate--.

In claim 12, line 2, before “wherein said substrate” insert the phrase --to form a treated substrate--.

In claim 12, line 9, delete the “a” in front of “non-fluorinated monomers”.

In claim 13, line 1, replace “derivable” with --derived--.

In claim 13, line 7, delete the “a” in front of “non-fluorinated monomers”.

Statement of Reasons for Allowance

The present claims are allowable over the closest prior art Kistner et al (US 5,980,992), Milbourn et al (US 5,998,549), and Kuwamura et al (US 4,886,862) for the following reasons:

The present claims are drawn to a method of treating a substrate and the treated substrate thereof with a composition comprising 0.05-5 wt % of a specific fluorochemical oligomeric silane in an organic solvent.

Kistner et al and Milbourn et al disclose a fluorochemical polymer, however, the references fail to disclose a fluorochemical polymer with silane groups before the coating is formed in the presence of a UV initiator.

Kuwamura et al discloses a silyl group-containing fluoroolefin copolymer, however, the copolymer is present in the solvent in amounts of about 50 wt % which is well outside the presently claimed range of 0.05-5 wt %.

Thus, it is clear that Kistner et al, Milbourn et al, and Kuwamura et al do not disclose or suggest the claimed invention.

In light of the above and applicant's argument filed 6/23/2006, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vickey Ronesi whose telephone number is (571) 272-2701. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/053,396

Page 5

Art Unit: 1714

9/1/2006

Vickey Ronesi



Vasu Jagannathan
VASU JAGANNATHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700